



Order Filed on January 12, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
By: Andrew M. Lubin, Esq. (Atty.
I.D.#AL0814)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Secured Creditor: Lakeview
Loan Servicing, LLC

In re:

Gary A. Laplante and Kay Anne Laplante

Debtor

Case No.: 18-20036-ABA

Chapter: 13

Hearing Date: November 22, 2022


Time: 10:00 a.m.

Judge: Andrew B. Altenburg Jr.

**ORDER RESOLVING CERTIFICATION OF DEFAULT
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: January 12, 2023



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: Lakeview Loan Servicing, LLC
Applicant's Counsel: Andrew M. Lubin, Esquire
Property Involved ("Collateral") 11 William Penn Avenue, Pennsville, New Jersey 08070

Relief Sought: ☒ Certification of Default (Order Resolving COD)
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 42 months, from June 1, 2019 to November 1, 2022 for a total of \$67,941.96.

☒ The Debtor is overdue for 1 payment from June 1, 2019 to June 1, 2019 at \$1,535.51 per month for a total of \$1,535.51; 12 payments from July 1, 2019 to June 1, 2020 at \$1,594.58 for a total of \$19,134.96; 11 payments from July 1, 2020 to May 1, 2021 at \$1,711.66 for a total of \$18,828.26; 13 payments from June 1, 2021 to June 1, 2022 at \$1,653.26 for a total of \$21,492.38; 5 payments from July 1, 2022 to November 1, 2022 at \$1,390.17 for a total of \$6,950.85.

☒ The Debtor is credited with a suspense balance of \$0.00.

Total Arrearages Due: \$67,941.96.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Payment of \$67,941.96 or an approved loan modification by January 20, 2023.

☒ Beginning on December 1, 2022, regular monthly mortgage payment shall continue to be made in the amount of \$1,739.33.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Payment on or before January 20, 2023:

☒ RightPath Servicing
Attn: Bankruptcy Dept
PO Box 619094
Dallas, TX 75261-9741

☒ Regular monthly payment:

☒ Same as above

4. In the event of Default:

☒ If the Debtors fail to make a payment of \$67,941.96 or fails to be approved for a loan modification by January 20, 2023, then the Secured Creditor may obtain an automatic Order Vacating the Automatic Stay as to the Collateral by filing with the Bankruptcy Court a Certification specifying the Debtor's failure to comply with this Order, and it shall thereafter be the Debtor's burden to reinstate the stay. If the Debtor does not timely make the mortgage payments due December 1, 2022 and January 1, 2023, then the Secured Creditor may obtain an automatic Order Vacating the Automatic Stay as to the Collateral by filing a Certification specifying the Debtor's failure to comply with this Order, and it shall thereafter be the Debtor's burden to reinstate the stay. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtors' attorney.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$200.00.

The fees are payable:

☒ through the Chapter 13 plan.

In re:
Gary A. Laplante
Kay Anne Laplante
Debtors

Case No. 18-20036-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Jan 12, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 14, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Gary A. Laplante, Kay Anne Laplante, 11 William Penn Ave, Pennsville, NJ 08070-1815

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 14, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 12, 2023 at the address(es) listed below:

Name	Email Address
Alexandra T. Garcia	on behalf of Creditor Lakeview Loan Servicing LLC NJECFMAIL@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com
Andrew M. Lubin	on behalf of Creditor Lakeview Loan Servicing LLC nj-ecfmail@mw-c-law.com, alubin@milsteadlaw.com
Denise E. Carlon	on behalf of Creditor Lakeview Loan Servicing LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Jane L. McDonald	

District/off: 0312-1

User: admin

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Total Noticed: 1

on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com

Jennifer R. Gorchow

on behalf of Trustee Isabel C. Balboa jgorchow@standingtrustee.com

John R. Morton, Jr.

on behalf of Creditor Wells Fargo Bank N.A., d/b/a Wells Fargo Auto ecfmail@mortoncraig.com, mortoncraige cf@gmail.com

Kenneth W. Miller, Jr

on behalf of Debtor Gary A. Laplante kwmbky@helmerlegal.com

Kenneth W. Miller, Jr

on behalf of Joint Debtor Kay Anne Laplante kwmbky@helmerlegal.com

Marisa Myers Cohen

on behalf of Creditor Lakeview Loan Servicing LLC nj-ecfmail@mw-c-law.com, jhillier@mw-c-law.com

Melissa S DiCerbo

on behalf of Creditor Lakeview Loan Servicing LLC nj-ecfmail@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com

Phillip Andrew Raymond

on behalf of Creditor Lakeview Loan Servicing LLC phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com

Robert J. Malloy

on behalf of Creditor DIFCU ecf@robmalloylaw.com

Sindi Mncina

on behalf of Creditor Nationstar Mortgage LLC smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William E. Craig

on behalf of Creditor Wells Fargo Bank N.A., d/b/a Wells Fargo Auto ecfmail@mortoncraig.com, mortoncraige cf@gmail.com

TOTAL: 17